



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
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Mr. Jeff Morales, Director
California Department of Transportation
1120 N Street
Sacramento, California 95814

Attention: Federal Resources Branch, Room 3500
For Rambabu Bavirisetty, Office of Federal Transportation Program Management

Dear Mr. Morales:

SUBJECT: MTC 2000/01 - 2002/03 FTIP/FSTIP Amendment No. 01-36

We have completed our review of Amendment No. 01-36 to the Metropolitan Transportation Commission's (MTC) 2000/01-2002/03 Regional Transportation Improvement Program (RTIP). The amendment was submitted with your letter dated May 20, 2002. The MTC Board of Directors adopted Resolution No. 3300, revised on 4/24/02, approving these program modifications. The amendment includes modifications to the State Highway, Local Highway and Transit Elements of the 2000/2001-2002/03 FSTIP related to various transportation improvement projects throughout the MTC region.

We accept these program modifications in accordance with the Federal Statewide and Metropolitan Transportation Planning Regulations excluding the following projects:

ALA010005 - SR 84 WB HOV On-ramp at Newark Avenue
ALA010038 - 60 Expansion Bus Purchase
ALA010046 - Vasco Rd Safety Improvements
ALA010047 - Mandela Parkway Extension Phase II
ALA010051 - Emeryville Intermodal Transfer Station: Phase I
BRT990002 - BART Oakland Airport Connector
CC-010003 - I-80 WB HOV Gap Closure
CC-010028 - Richmond Parkway Transit Center Parking
CC-010029 - Hercules Train Station Project
CC-010030 - BART Richmond Station Additional Parking
CC-010042 - Martinez Intermodal Project - Phase 3
CC-990040 - I-680- Aux Lanes - Bollinger Cnyn to Diablo
SCL010022 - US 101 Aux Lanes from SR 87 to Trimble Rd
SF-010025 - GGBHTD San Francisco Ferry Lay Berth
SM-010046 - SR 101 Auxiliary Lanes - SCL Co. Line to Marsh Rd.

SOL010029 - Dixon Multimodal Transportation Center
 SOL010032 - Fairfield/Vacaville Rail Station
 SOL010038 - I-80/I-680/SR 12 Interchange/Connector: Phase 2
 MRN990035 - Manzanita Park and Ride Lot

The above listed projects have been excluded from this approval because MTC did not make a new conformity determination that is required to incorporate the identified project modifications. The Transportation Conformity Rule requires that TIP amendments include a new conformity determination unless the amendment merely adds or deletes exempt projects [40 CFR 93.104]. While we agree that a new regional emissions analysis was not required (since the modifications did not affect the projects as included in MTC's current regional emissions analysis), a new conformity determination was required. In the future, FHWA/FTA would expect that, prior to submitting amendments for approval, all amendments meet the applicable conformity requirements and include the appropriate documentation.

Except for the above listed projects, the changes made to the program by this amendment are exempt from the requirement that a conformity determination be performed [40 CFR 93.126 and/or 93.127], or were considered as part of the conformity analysis for the current plan and program. Therefore, we find this FTIP, through amendment 36, except for the above listed projects, conforms to the State Implementation Plan (SIP). This finding has been coordinated with the United States Environmental Protection Agency, Region IX office.

This programming approval is for those projects in the first three years (FY 01, 02 and 03) of the FTIP. FHWA/FTA accept those projects programmed in the fourth year and beyond for informational purposes only. Transit projects listed in the fourth year of the FTIP and beyond are not eligible for pre-award authority at this time. FHWA/FTA find that MTC's FTIP Amendment No. 01-36 was developed through a continuing, cooperative and comprehensive transportation planning process in accordance with the provisions of 23 USC 134 and the Federal Transit Act (49 USC 53).

This letter constitutes joint FHWA/FTA approval for inclusion of MTC Amendment No. 01-36, excluding the above listed projects, into the California's 2000/01-2002/03 FSTIP.

We would like to take this opportunity to comment on some recurring issues that were identified during our review of this amendment:

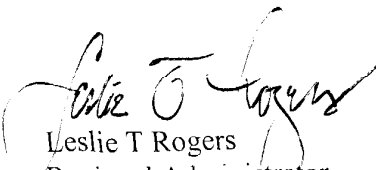
- 1) Pursuant to the federal programming regulations (e.g., 23 CFR 450.324(g)(3) and 23 CFR 450.218(a)(8)(iii)), the FTIP and FSTIP shall include, "the amount of Federal funds proposed to be obligated during each program year." Because MTC adopted these program modifications very late in the 2001/2002 program year, there was little likelihood that FSTIP programming approval would occur, and project funds obligated, in the same 2001/2002 program year. FHWA/FTA recommend that the project funding information more accurately reflect the programming of federal funds in the year they are proposed for obligation.
- 2) Nonattainment areas are allowed, per the Transportation Conformity Rule, to advance activities for non-exempt projects, which do not involve or lead directly to construction, as exempt from the transportation conformity requirements.

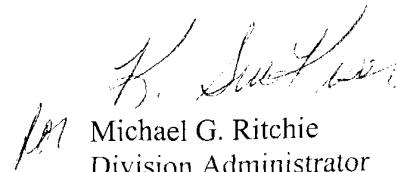
Activities that can be considered exempt include, but are not limited to: planning and technical studies; grants for training and research programs; planning activities pursuant to titles 23 and 49 U.S.C.; and federal-aid system revisions. Our approval of exempt phases (e.g. environmental and plans, specifications and estimates) of nonexempt projects is limited these types of activities. The primary use of this provision should be for projects where the design concept and scope have yet been specifically defined.

- 3) In the RTIP, it is difficult to distinguishing between inclusion of exempt phases (e.g. activities that do not lead directly to construction) of non-exempt projects and exempt projects. MTC should include in their RTIP documentation a consistent coding system.
- 4) If a project includes both non-exempt and exempt activities, as described in the Transportation Conformity Rule, then the entire project would have to be included in the regional emissions analysis. A conformity determination would be required before the project can proceed.
- 5) Modifications to projects outside the three-year FSTIP are considered for information only. While this information is valuable, it would expedite the review process to have separate listing for modifications requiring approval and for modifications that are for informational purposes only.

If you would like to discuss further any of the comments noted above or the amendment approval, please contact Ms. Sue Kiser at 916-498-5009, Ms. Jean Mazur at 916-498-5732, or Mr. Jerome Wiggins at (415) 744-3115 .

Sincerely,


 Leslie T Rogers
 Regional Administrator
 Federal Transit Administration


 Michael G. Ritchie
 Division Administrator
 Federal Highway Administration

cc:

EPA Region IX, Ginger Vagenas
 FTA Region IX, Jerome Wiggins
 MTC, Raymond Odunlami

Caltrans:

Federal Resources Branch, Dick Petrie
 HQ Transportation Programming, Rambabu Bavirisetty
 Office of Local Programs, Terry Abbott
 FHWA MTC TIP Binder